

COUNTY ORDINANCE NO. 98-12

A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with Amendments of Sections 18-1-061, 18-1-062 and 18-1-063 of the Public Local Laws of Queen Anne's County (1996 Edition);

FOR THE PURPOSE of revising the regulation of private piers under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Edition) by repealing and reenacting with amendments Sections 18-1-061, 18-1-062 and 18-1-063 to provide that private piers are permitted on lots of existing record as of April 9, 1987 and generally regulating private piers, shared piers and community piers.

SECTION I

BE IT ENACTED BY THE QUEEN ANNE'S COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18-1-061, 18-1-062 and 18-1-063 of the Code of Public Local Laws of Queen Anne's County (1996 Edition) be and are repealed and reenacted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act shall be an "emergency bill" and is determined to affect the public health, safety and welfare and will take effect immediately upon its adoption.

Introduced By: Mike Zimmer

Date of Introduction: 7-7-98

Public Hearing Held: August 4, 1998 - 10:45 am

Vote: 3 YEA _____ NAY

Date: Sept 1, 1998

Effective 9-1-98

Aug. 4 - Cancelled
Aug. 25 - Rescheduled

**Final Draft Format
(No strike and delete)**

18-1-061. Pier--Generally.

A pier may not extend into any body of water a distance greater than 150 feet, as measured from the mean high water line, unless the Board allows a greater length as a conditional use. In no case may the length of a pier exceed $\frac{1}{2}$ of the distance from the mean high water line to the centerline of the body of water, the distance being hereby established as the tributary harbor line.

18-1-062. Private piers on residential lots.

(a) *In general.*

- (1) Except as provided in subsection (b) of this section, a pier may not be:
 - (i) allowed as an accessory use or structure; or
 - (ii) constructed on a residential lot in a subdivision approved after June 29, 1988, that was approved on the basis of a plat that included a community pier.

(b) *When permitted.*

One pier is permitted as an accessory use or structure on a residential lot that:

- (1) has a minimum of 150' water frontage; or
- (2) is within a subdivision in a neighborhood conservation (NC) district that:
 - (I) does not have a community pier or dock facility; or
 - (ii) has a community pier or dock facility with fewer slips than lots and the property owner provides satisfactory proof that the property owner, or the property owner's successors and assigns, do not have and will not have a right or ability to acquire a leased or fee simple interest in a slip in the community or dock; or
- (3) is within a subdivision that was validly approved prior to April 9, 1987 and:
 - (i) does not have a community pier or dock facility; or
 - (ii) has a community pier or dock facility with fewer slips than lots and the property owner provides satisfactory proof that the property owner, or the property owner's successors and assigns, do not have and will not have a right or ability to acquire a leased or fee simple interest in a slip in the community or dock; or

- (4) On April 9, 1987, was part of another lot that has since been subdivided into five or fewer lots under the provisions of this subtitle; or
- (5) existed as a legal lot of record prior to April 9, 1987.

(c) ***Pier building restriction line.***

A private pier may not be constructed within six feet of any side or front lot lines.

(d) ***Shared piers.***

A shared pier may be located at or near a common property line without regard to the building restriction line otherwise applicable to private piers, provided:

- (1) the shared pier serves no more than two (2) adjacent lots; and
- (2) the two adjacent lots to be served by the shared pier have a combined shoreline frontage of at least 150'; and
- (3) the owners of the lots to be served by the shared pier execute an instrument, in recordable form, that runs with and binds the lots to be so served, that addresses the common use of, access to, and maintenance of the shared pier that is in a form acceptable to the Zoning Administrator.
- (4) the shared pier, or any part thereof, may not be leased to any person who is not either a record owner of one of the lots to be served by the shared pier or a bona fide resident, occupant, or lessee of a dwelling located on one of the two lots served by the shared pier.

18-1-063. Community piers.

Community piers are permitted as accessory uses to residential developments provided that:

- (1) the community pier facility is located within the residential development which it is to serve;
- (2) the number of slips is equal to or less than the number of lots in the development but, in any event, not in excess of the number of slips permitted under Section 14-143 of this Code.
- (3) overnight occupancy is not allowed on any boat docked at the community pier.

(4) the community pier complies with all use limitations and conditions and restrictions set forth in Section 14-143 of this Code.

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